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18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20 **SAN FRANCISCO DIVISION**

21 RICHARD KADREY, *et al.*,
 22 Individual and Representative Plaintiffs,
 23 v.
 24 META PLATFORMS, INC., a Delaware
 corporation;
 25
 26 Defendant.

Case No. 3:23-cv-03417-VC-TSH

**ADMINISTRATIVE MOTION TO FILE UNDER
SEAL PORTIONS OF SUPPLEMENTAL JOINT
LETTER BRIEF AND SUPPORTING
EVIDENCE**

1 Pursuant to Civil Local Rule 79-5, Defendant Meta Platforms, Inc. (“Meta”) moves this
 2 Court for an Order allowing Meta to file under seal a confidential, unredacted version of the parties’
 3 Supplemental Joint Letter Brief concerning Meta’s response to Plaintiffs’ Requests for Production
 4 No. 118 (“Joint Letter Brief”) and supporting evidence submitted with the Joint Letter Brief. Meta
 5 respectfully submits that good cause exists for the filing of these materials under seal. The motion
 6 is based on the following Memorandum of Points and Authorities and the Declaration of Kyanna
 7 Sabanoglu in support of this Administrative Motion to File Under Seal.

8 The following chart lists the documents for which Meta requests sealing – in whole or in
 9 part – in order to protect Meta’s confidential business information.

10 Document	11 Sealing Request
12 Joint Letter Brief	13 • Redacted portions
13 Exhibit A to Joint Letter Brief	14 • Entire document
14 Exhibit B to Joint Letter Brief	15 • Entire document
15 Exhibit C to Joint Letter Brief	16 • Redacted portions

16 A [Proposed] Order is filed concurrently herewith, and Meta refers the Court to the Joint Letter
 17 Brief itself and supporting evidence attached thereto as further support for this Administrative
 18 Motion.

19 **I. LEGAL ARGUMENT**

20 Though the presumption of public access to judicial proceedings and records is strong, it
 21 “is not absolute.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978). The Ninth Circuit
 22 treats documents “attached to dispositive motions differently from records [i.e., documents]
 23 attached to non-dispositive motions.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180
 24 (9th Cir. 2006); *Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1098 (9th Cir. 2016). For
 25 non-dispositive motions, such as the Parties’ Joint Letter Briefs, the “good cause” standard applies.
 26 *OpenTV v. Apple*, No. 14-cv-01622-HSG, 2015 WL 5714851, at *2 (N.D. Cal. Sept. 17, 2015);
 27 *Kamakana*, 447 F.3d at 1180 (“A ‘good cause’ showing will suffice to seal documents produced in
 28 discovery.”). The Federal Rules afford district courts “flexibility in balancing and protecting the

1 interests of private parties.” *Kamakana*, 447 F.3d at 1180; *DSS Tech. Mgmt. v. Apple*, No. 14-cv-
 2 05330-HSG, 2020 WL 210318, at *8 (N.D. Cal. Jan. 14, 2020), *aff’d*, 845 F. App’x 963
 3 (Fed. Cir. 2021) (finding good cause to seal “confidential business and proprietary information”).

4 Portions of the Joint Letter Brief and corresponding supporting evidence contain Meta’s
 5 confidential information, for which Meta requests sealing. Exhibits A and B to the Joint Letter
 6 Brief are excerpts of the transcripts of the depositions of Meta employees, which have been marked
 7 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Stipulated Protective
 8 Order. These excerpts include discussion of Meta’s highly sensitive internal practices and
 9 processes relating to the development of its Llama models, including, in particular, the training of
 10 the models. The redacted portions of the Joint Letter Brief itself refer to and describe this deposition
 11 testimony and include further discussion of Meta’s highly confidential internal processes relating
 12 to the training of its Llama models. The redacted portions of Exhibit C to the Joint Letter Brief
 13 discuss confidential information concerning Meta’s use of certain datasets to train the Llama
 14 models.

15 Meta must request sealing of these materials, as this information is highly confidential, and
 16 Meta takes steps to carefully protect the confidentiality of information of this sort as disclosure has
 17 the potential to cause significant competitive injury to Meta. *See, e.g., Space Data Corp. v.*
 18 *Alphabet Inc.*, No. 16-CV-03260-BLF, 2019 WL 285799, at *1 (N.D. Cal. Jan. 22, 2019) (finding
 19 information regarding party’s confidential and proprietary technical information, and sensitive
 20 financial information sealable). These sealing requests are critical to protect Meta’s confidential
 21 sensitive technical and competitive information.

22 The specific basis for sealing these materials is outlined in the accompanying declaration
 23 of Meta’s Associate General Counsel, Kyanna Sabanoglu. As outlined in Ms. Sabanoglu
 24 declaration, public disclosure of the protected information contained in the materials Meta seeks to
 25 seal would cause competitive harm to Meta. Meta’s proposed redactions and sealing requests are
 26 narrowly tailored to include only that information which would cause specific, articulable harm, as
 27 identified in Ms. Sabanoglu’s declaration. In each instance, the harm to Meta outweighs the
 28 public’s interest in disclosure. *See, e.g., In re iPhone App. Litig.*, No. 11-md-02250-LHK, 2013

1 WL 12335013, at *2 (N.D. Cal. Nov. 25, 2013) (granting motion to seal where the defendant's
 2 interest in "maintaining the confidentiality of information about its technology and internal business
 3 operations" outweighed that of the public in accessing such documents). Accordingly, this sealing
 4 request is critical to protecting Meta's confidential sensitive technical and competitive information.

5 **II. CONCLUSION**

6 Pursuant to Civil Local Rule 79-5, as appropriate, redacted and unredacted versions of the
 7 above-listed document accompany this Administrative Motion. For the foregoing reasons, Meta
 8 respectfully requests that the Court grant the Administrative Motion to Seal.

9
 10 Dated: December 23, 2024

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